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20 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

21 JAMES PARSONS, individually and as
22 Special Administrator of the Estate of Carolyn
23 Lee Parsons, and ANN-MARIE PARSONS,

24 Plaintiffs,

25 v.

26 COLT'S MANUFACTURING COMPANY
LLC, *et. al.*,

27 Defendants,

Civil Action No. 2:19-cv-01189-APG-GWF

**JOINT STIPULATION AND PROPOSED
ORDER TO STAY BRIEFING AND
RESOLUTION OF THE COURT'S
ORDER TO SHOW CAUSE (ECF NO. 130)
PENDING REVIEW OF CERTIFIED
QUESTIONS**

(FIRST REQUEST)

1 Together, Plaintiffs James Parsons and Ann-Marie Parsons (collectively, “Plaintiffs”) along with Defendants Colt’s Manufacturing Company LLC; Colt’s Defense LLC; Daniel Defense, LLC; Patriot Ordnance Factory, Inc.; FN America, LLC; Noveske Rifle Works LLC; Christensen Arms; Lewis Machine & Tool Company; LWRC International LLC; Discount Guns & Ammo; DF&A Holdings LLC; Maverick Investments LP; Guns & Guitars, Inc.; and Sportsman’s Warehouse, Inc. (collectively, “Defendants”), by counsel, pursuant to Local Rule IA 6-1, file this first stipulation and proposed order to jointly request the Court to stay briefing and resolution of the Court’s January 15, 2021 Order to Show Cause (ECF No. 130) pending review of certain questions of law certified to the Supreme Court of Nevada. The parties propose that, within fourteen (14) days of a decision on the certified questions, Defendants will file a written response addressing the issues about remand raised in the Court’s Order to Show Cause, and Plaintiffs may file a response within twenty-one (21) days of the filing of Defendants brief. Within thirty (30) days of the Court’s ruling on the Order to Show Cause as to whether the case should be remanded, or in the time allowed to respond to any amending pleading, Defendants will file their responses to Plaintiffs’ Complaint, consistent with the Court’s prior Order (ECF No. 104).

16 On April 10, 2020 and May 8, 2020, this Court entered an Order (ECF No. 99) and an Amended Order (ECF No. 109), respectively, that together certified unsettled questions of state law to the Supreme Court of Nevada regarding negligence per se, as well as the effect of Nev. Rev. Stat. § 41.131 on Plaintiffs’ claims.

20 On April 22, 2020, the Court entered an Order (ECF No. 104) granting a joint stipulation, similar to the present filing, that imposed a stay of the present action “in its entirety,” pending review of the certified questions by the Supreme Court of Nevada. The Court further ordered that within thirty days of a decision by the Supreme Court of Nevada, Defendants will either file answers or a supplemental motion to dismiss the Complaint.

25 On May 22, 2020, the Supreme Court of Nevada entered an Order accepting the certified questions of law, that further directed briefing and submission of a joint appendix. Briefing by the parties was completed on October 26, 2020.

1 On January 15, 2021, the Court entered an Order to Show Cause (ECF No. 130) indicating
2 that the Court was reconsidering its prior decision denying the motion to remand. Defendants
3 were ordered to show cause in writing why this action should not be remanded to state court based
4 on the local defendant rule of 28 U.S.C. § 1441(b)(2), and Plaintiffs were afforded the opportunity
5 to file a responsive brief 21 days thereafter.

6 On January 25, 2021, the Supreme Court of Nevada entered an Order that scheduled oral
7 argument on the certified questions, by both the parties and the amici, before the en banc court for
8 March 2, 2021, at 10:00 a.m.

9 The parties' joint request to continue the stay already in place (ECF No. 104) is not for the
10 purpose of causing undue delay. Rather, good cause exists because the parties have already spent
11 significant time and resources briefing and preparing for oral argument in the Supreme Court of
12 Nevada to pursue resolution of unsettled questions of state law. Based on the Nevada Supreme
13 Court's docket, the parties understand that the court has already spent significant time preparing to
14 consider en banc the certified questions. The length of the stay requested is reasonable because
15 oral argument before the Supreme Court of Nevada has already been noticed for March 2, 2021,
16 and the extended briefing schedule proposed for the Court's Order to Show Cause will be
17 consistent with Defendants' deadline to file responsive pleadings.

18 Regardless of whether this action proceeds in state or federal court, the unsettled questions
19 of state law certified to the Nevada Supreme Court will ultimately need to be resolved. The
20 pending certification is the most efficient means of obtaining clarity that will benefit all parties,
21 preserve judicial economy, and potentially avoid unnecessary briefing on the Order to Show
22 Cause as well as additional litigation and appeals. Clarity on these dispositive questions may also
23 aid the Court in deciding whether to reconsider its order denying the motion to remand.

24 For these reasons, the parties respectfully submit that good cause exists for granting the
25 requested relief to stay briefing and resolution of the Court's Order to Show Cause (ECF No. 130)
26 pending resolution of questions certified to the Supreme Court of Nevada.

27 Dated this 3rd day of February 2021.
28

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*Counsel for Defendants Daniel Defense,
LLC, and Sportsman's Warehouse, Inc.*

ORDER

Pursuant to the parties' stipulation and for good cause shown, IT IS HEREBY ORDERED that resolution of the Court's Order to Show Cause (ECF No. 130) will be stayed pending review of questions of law certified to the Supreme Court of Nevada in this Court's Amended Order dated May 8, 2020 (ECF No. 109).

Within fourteen (14) days of a decision from the Supreme Court of Nevada, Defendants will file a written response addressing the issues raised in the Court's Order to Show Cause, and Plaintiffs may file a response twenty-one (21) days after the Defendants file their brief. Within thirty (30) days of the Court's ruling on the Order to Show Cause as to whether the case should be remanded, or in the time allowed to respond to any amending pleading, Defendants will file their responses to Plaintiffs' Complaint, consistent with the Court's prior Order dated April 22, 2020 (ECF No. 104).

IT IS SO ORDERED on this 8th day of February 2021.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

On February 3, 2021, I certify that a true and correct copy of the foregoing was filed using the Court's CM/ECF system, which will electronically notify all counsel of recording including the above-signed, as well as counsel for Plaintiffs.

/S/ ADAM MILLER
SPENCER FANE LLP